

BILL NO. G-73-11-26

GENERAL ORDINANCE NO. G-29-73

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of an alley south of Wallace Street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a public alley by property owners having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on October 16, 1973 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns' Ind. Stat., 1964 Repl., Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

The first alley south of Wallace Street from the east property line of the alley east of Calhoun Street to the west property line of Clinton Street.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works for the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Kraus, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: Nov. 13, 1973

Charles W. Telestus  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, placed on its passage.

Passed (~~lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATE: 11-27-73

Charles W. Telestus  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. 8-29-73 on the 27th day of November, 1973.

ATTEST: (SEAL)  
Charles W. Telestus  
CITY CLERK

Wm. J. G. Wm. JR.  
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1973, at the hour of 10:00 o'clock A M., E.S.T.

Charles W. Telestus  
CITY CLERK

Approved and signed by me this 28th day of November, 1973, at the hour of 2:00 o'clock P M., E.S.T.

James H. Roush  
MAYOR

Bill No. G-73-11-36

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance

Amending General Ordinance No. G-97 by authorizing

the vacation of an alley south of Wallace Street

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

*John Nuckols*  
*Vivian G. Schmidt*

*William T. Hinga*

*Paul M. Burns*  
*Donald J. Schmidt*

*Concurred in*  
MADE A MATTER OF RECORD

DATE 11-27-73 CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

No. 225

GENERAL FUND

FT. WAYNE, IND. 9/26 1978

RECEIVED FROM B.T.S. Realty Co., Inc. \$50.00

THE SUM OF Fifty and 00/100 100 DOLLARS

ON ACCOUNT OF Alley vacation, just alley south of Wallace St.

Barb Steele  
AUTHORIZED SIGNATURE



PETITION TO VACATE ALLEY

TO THE PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

AND

THE COMMON COUNCIL  
CITY OF FORT WAYNE, INDIANA

Gentlemen:

The undersigned petitioners, James E. Kelley and Clara E. Houch, do hereby respectfully petition the Plan Commission and the Common Council of the City of Fort Wayne to vacate the following alley located within the City of Fort Wayne, Indiana, and described as follows:

The first alley south of Wallace Street from the east property line of the alley east of Calhoun Street to the west property line of Clinton Street.

(1) Petitioners, James E. Kelley and Clara E. Houch, are the owners of all of the real estate abutting on the north and south of said alley sought to be vacated.

(2) Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation of the alley abovedescribed.

WHEREFORE, your petitioners pray that the alley above described be vacated according to the provisisions of the Indiana law pertaining thereto.

DATED THIS 4th day of Oct., 1973.

By: \_\_\_\_\_

James E. Kelley  
James E. Kelley

By: \_\_\_\_\_

Clara E. Houch  
Clara E. ~~Houch~~  
Houch

RESOLUTION

WHEREAS, James E. Kelley and Clara E. Houch has petitioned and requested the Fort Wayne City Plan Commission to hold a Public Hearing upon the vacation of the following public alley in Allen County, Indiana; to-wit:

The first alley south of Wallace Street from the east property line of the alley east of Calhoun Street to the west property line of Clinton Street.

All in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 285, of the Acts of 1963 of the General Assembly of the State of Indiana, IND. ANN. STAT. S 53-744 (Burns 1964 Repl. Ed.); and

WHEREAS, Notice of such Public Hearing has been given by due and proper publication thereof; and

WHEREAS, said Public Hearing was held on the 15th day of October, 1973 at 7:00 P.M., and at such hearing there were no objections of any kind or character which would prevent the vacation of said public alley.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described, conforms to the general policy and pattern of development set out in the master plan of the City of Fort Wayne, Indiana; and,

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of streets and alleys in Allen County, Indiana.

Dated this 16th day of October, 1973

  
President  
Fort Wayne City Plan Commission

STATE OF INDIANA     )  
                              ) SS:  
COUNTY OF ALLEN     )

I, Alan R. Grinsfelder, President  
of the Fort Wayne City Plan Commission, do hereby certify that  
attached hereto is a full, true and correct copy of a Resolution  
adopted by the Fort Wayne City Plan Commission following a Public  
Hearing of said Commission held on the 15th day of October,  
1973, and as the same appears on record in the official records of the  
Plan Commission.

Dated the 16th day of October, 1973.

  
\_\_\_\_\_  
President  
Fort Wayne City Plan Commission



DIGEST SHEET

TITLE OF ORDINANCE

Alley Vacation ordinance

73-11-36

DEPARTMENT REQUESTING ORDINANCE

City Plan Commission

SYNOPSIS OF ORDINANCE

Preparation of an ordinance petition initiated

by property owners for the vacation of an alley described as follows:

The first alley south of Wallace Street from the east property

line of the alley east of Calhoun Street to the west property line

of Clinton Street

EFFECT OF PASSAGE

Alley would be vacated and utilized by property owners

EFFECT OF NON-PASSAGE

alley would remain open

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

none

ASSIGNED TO COMMITTEE (J.N.)

Reg - C (C)



CITY OF FORT WAYNE  
CITY-COUNTY BUILDING  
ONE EAST MAIN STREET  
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN  
CITY CLERK

November 29, 1973

Miss Helen Libbing  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of December 3 and December 10, 1973, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana -  
Bill No. G-73-11-36  
Amending General Ordinance  
No. G-97 - vacation of alley -  
south of Wallace Street.

Please send us four (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1

Common Council of the City of Ft. Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

94

1

95

## COMPUTATION OF CHARGES

95 lines, 1 columns wide equals 95 equivalent lines at .288¢ cents per line \$ 27.36

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 27.36

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 11, 1973

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:  
12/3-10/73

Subscribed and sworn to before me this 11th day of December 1973

My commission expires March 8, 1973

Notice is hereby given that on the 27th day of November, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-29-73 General Ordinance, Bill No. G-73-11-36, to-wit:

BILL NO. G-73-11-36

GENERAL ORDINANCE NO. G-29-73

AN ORDINANCE amending General Ordinance No. G-29-73 by authorizing the vacation of an alley south of Wallace Street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a public alley by property owners having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on October 16, 1973 following a public hearing thereon, all in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana (Burns' Ind. Stat., 1964 Repl. Sec. 50-144), the Throughfare Plan as set forth in General Ordinance No. G-67 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

A first alley south of Wallace Street from the east property line of the alley east of Calhoun Street to the west property line of Clinton Street.

SECTION 2. After passage of this Ordinance approved by the Mayor and final publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works for the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read the third time in full and on motion by Nuckolls, seconded by Talarico, and duly adopted, placed on its passage, PASSED by the following vote:

Ayes: Nine: Burns, Hingo, Kraus, Moses, Nuckolls, D. Schmidt, V. Schmidt, Stier, Talarico.

Nays: None.

Charles W. Westerman, City Clerk.

Date: 11-27-73

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-73 on the 27th day of November, 1973.

ATTEST: (SEAL)

Winfield C. Moses, Jr., Presiding Officer, Charles W. Westerman, City Clerk.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1973, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk.

Approved and signed by me this 28th day of November, 1973, at the hour of 2:00 o'clock P.M., E.S.T.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-29-73 passed by the Common Council on the 27th day of November, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 28th day of November, 1973 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 28th day of November, 1973.

Charles W. Westerman, City Clerk.

12-3-10.

Common Council of the City of Ft. Wayne  
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA.....

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines \_\_\_\_\_ 94

Tail number of lines \_\_\_\_\_ 1

Total number of lines in notice \_\_\_\_\_ 95

## COMPUTATION OF CHARGES

95 lines, 1 columns wide equals 95 equivalent lines at .288¢ cents per line \$ 27.36

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) \_\_\_\_\_

TOTAL AMOUNT OF CLAIM \$ 27.36

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 11, 1973

Title Clerk

Notice is hereby given that on the 27th day of November, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Ordinance, Bill No. G-29-73, to-wit:

GENERAL ORDINANCE NO. G-29-73  
AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of an alley south of Wallace Street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a public alley by property owners having been filed with the Fort Wayne City Plan Commission, and resolution having been duly adopted by the Fort Wayne City Plan Commission on October 16, 1973 following a public hearing thereon, all in accordance with Section 4, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 285 of the Acts of 1965 of the General Assembly of the State of Indiana (Burns' Ind. Stat., 1964 Repl., Sec. 23-744), the Throughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

The first alley south of Wallace Street from the east property line of the alley east of Calhoun Street to the west property line of Clinton Street.

SECTION 2. After passage of this Ordinance, approval by the Mayor and local publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works for the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

John Nuckols, Councilman, by Nuckols, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine: Burns, Hingo, Kraus, Moses, Nuckols, D. Schmidt, V. Schmidt, Slier, Talarico.

None: None.

Charles W. Westerman, City Clerk.

Date: 11-27-73.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-73 on the 27th day of November, 1973.

ATTEST: (SEAL)

Winfield C. Moses, Jr., Presiding Officer, Charles W. Westerman, City Clerk.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1973, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman, City Clerk, Approved and signed by me this 28th day of November, 1973, at the hour of 2:30 o'clock P.M., E.S.T.

Van A. Lebonhoff, Mayor, I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-29-73 passed by the Common Council on the 27th day of November, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 28th day of November, 1973 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 28th day of November, 1973.

Charles W. Westerman, City Clerk, 12-310.

## PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A.M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time/s, the dates of publication being as follows: 12/3-10/73

Subscribed and sworn to before me this 11th day of December 1973

Notary Public

My commission expires March 2, 1974